

REMARKS

Claims 1-20 are pending in this application after this amendment. Claims 1, 7 and 13 are independent. New claims 19 and 20 are presented for consideration by the Examiner. Based on the amendments and arguments set forth herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to conform to U.S. patent practice. These amendments are being made without conceding the propriety of the Examiner's rejections.

In the outstanding Official Action, the Examiner rejected claims 7-18 under 35 U.S.C. §101 and rejected claims 1-18 under 35 U.S.C. §103(a) as being unpatentable over Tanaka et al. (U.S. Patent Application Publication No. 2001/0022624) (hereinafter "Tanaka") in view of Romanik et al. (U.S. Patent Application Publication No. 2003/0018802) (hereinafter "Romanik"). Applicant respectfully traverses these rejections.

Preliminary Comments

By this amendment, Applicant is filing concurrently herewith a Request for Interview. The Examiner is respectfully requested to contact Applicant's representative prior to formal consideration of the arguments and amendments set forth herein to schedule and conduct an Interview.

Further, on September 25, 2003, Applicant filed an Information Disclosure Statement citing several references for consideration by the Examiner. To date, the Examiner has failed to properly consider these references. Applicant respectfully requests proper consideration of the properly cited references filed September 25, 2003.

Claim Rejections – 35 U.S.C. §101

The Examiner rejected claims 7-12 asserting that they are not directed to statutory subject matter. By this amendment, Applicant has amended these claims to recite a method for classifying image data sets added with accompanying information including information items. As such, Applicant respectfully submits that these claims are directed to statutory subject matter, namely a method for classifying image data. Based on these amendments, it is respectfully requested that the outstanding rejection be withdrawn.

The Examiner rejected claims 13-18 asserting they are directed to a carrier wave signal. Applicant respectfully disagrees with the Examiner. Claims 13-18 are directed to a computer-readable medium that stores a program, executed by a computer, to perform a method. As such, Applicant maintains that these claims recite statutory subject matter. The Examiner's attention is respectfully directed to *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). As such, Applicant respectfully submits that claims 13-18 are directed to statutory subject matter.

Claim Rejections – 35 U.S.C. §103

In support of the Examiner's rejection of claim 1, the Examiner asserts that Tanaka teaches all of the claim elements except for the information item specification means. The Examiner relies on the teachings of Romanik to cure the deficiencies of the teachings of Tanaka, citing to paragraph [0042] and asserts that one skilled in the art would modify Tanaka in order to classify images into different classes. Applicant respectfully disagrees with the Examiner's characterization of these references.

The disclosure of Romanik is directed to an image transfer and archival system. The system prepares and transmits all desired images from one or more clients to a server for archiving or later analysis, validation, or reporting purposes. Romanik discloses in paragraph [0042] as follows:

[0042] The list of available image reduction methods is limitless. However, for any given image analysis system, a small list of possible image reduction methods can typically be selected. The first image reduction methods to consider are lossless methods. These methods include but are not limited to Region Of Interest (ROI) windowing and lossless compression. ROI windowing refers to eliminating pixels in the image which are not needed for the image analysis and do not contain any useful information that future queries would need to obtain. The original image is converted into one of more windows, typically rectangular, to specify the useful pixels in the image. In the simplest case, a single window is applied to contain only useful image data, thus eliminating border pixels. **The image can also be divided into multiple windows to specify those regions that contain desired information.** Information regarding each ROI window is maintained so that a single, composite image representing the original image can be reconstructed upon demand. Each ROI window is specified as an origin point with additional information regarding the extent and shape of the window. In the case of a rectangular window, the origin point and width and height of the window will fully specify the size and location of the window. The image that is transmitted from the client 205 to server 210 is thus an array of smaller images including information on how those pieces can be reassembled. The pixel information that was removed can be replaced with a background pixel whose value is application dependent. Another lossless reduction method is to employ one of many lossless image compression methods. For example, if the image is an 8-bit image that contains only 256 colors or levels of gray, the well-documented GIF encoding can be employed. Image compression algorithms such as these work best on images with repeating pixel values.

As can be seen from the above disclosure, Romanik discloses the attribute information specifying a format of processing for transferring images.

In contrast, the present invention set forth in claim 1 recites, *inter alia*, an image classification apparatus for classifying image data sets added with accompanying information including information items, the image classification apparatus comprising information item specification means for specifying a portion of or all of the information items of the accompanying information to be used for image classification, and for specifying priority among the specified information items.

The information items are items included in the accompanying information about image data. Folders, or groups, are generated in such a manner that they correspond to the information items, and the hierarchical structure of the folders is formed based on the order of priority of each of the information items corresponding to the folders, or groups.

As such, Applicant maintains that Romanik fails to teach or suggest the information item specification means as claimed. Thus, Romanik fails to cure the deficiencies of the teachings of Tanaka, assuming these references are properly combinable. As such, Applicant respectfully submits that the Examiner has failed to establish prima facie obviousness. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-6 and 19 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1. It is further respectfully submitted that claims 7 and 13 include elements similar to those discussed above with regard to claim 1 and thus claims 7 and 13, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

By this amendment, Applicant has added new claim 19-20 to further assist in further clarifying the claimed invention. Specifically, claim 19 recites wherein the hierarchical structure of each of the groups has a plurality of layers, wherein a lower layer in the hierarchical structure is associated with a group having a lower order of priority; and wherein an image data set is classified into a group in the lowest layer of the hierarchical structure when the image data set has the lowest order of priority, the lower layer being a layer corresponding to the information item that has the lowest order of priority among the information items included in the accompanying information.

Applicant respectfully submits that none of cited references teach or suggest storing image data in a folder in the lowest layer of the hierarchical structure, the lowest layer corresponding to an information item that has the lowest order of priority. As such, Applicant respectfully submits that new claims 19-20 are patentable over the references as cited.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No.

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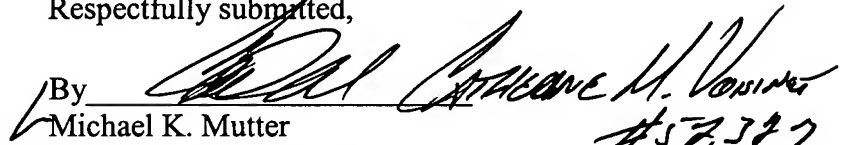
Docket No.: 2091-0292P

52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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